

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JACK COOPER TRANSPORT CO., INC.,

Plaintiff,

v.

**CANNONBALL EXPRESS, INC.,
CANNONBALL EXPRESS TRANSPORTATION
CO., LLC, and CANNONBALL EXPRESS
TRANSPORTATION, LLC,**

Defendants.

Case No. 06-cv-306-DRH

ORDER

HERNDON, District Judge:

Plaintiff files a Notice of Voluntary Dismissal (Doc. 36), seeking to dismiss without prejudice defendants Cannonball Express, Inc. and Cannonball Express Transportation Co., LLC.¹ Plaintiff explains that it has recently discovered Cannonball Express, Inc. “does not and did not conduct any trucking business.” Plaintiff further states that it has been advised by Defendants’ attorneys that Cannonball Express Transportation Co., LLC does not exist.

The Court finds that because in its recently-filed Amended Complaint

¹ Previously, Plaintiff filed a Motion to Dismiss Certain Defendants Voluntarily (Doc. 31), which also sought to dismiss without prejudice defendants Cannonball Express, Inc. and Cannonball Express Transportation Co., LLC. Since then, Plaintiff has amended its Complaint (Doc. 33), only bringing its claims against defendant Cannonball Express Transportation, LLC. Thereafter, it filed the instant Notice of Voluntary Dismissal, rendering the previous Motion (Doc. 31) moot.

(Doc. 33), Plaintiff has only alleged claims against defendant Cannonball Express Transportation, LLC, the two remaining defendants are no longer parties to this action, which effectively results in their dismissal. For this reason and because of the reasons as stated in Plaintiff's Notice, the Court hereby **ACKNOWLEDGES** Plaintiff's voluntary dismissal of defendants Cannonball Express, Inc. and Cannonball Express Transportation Co., LLC, pursuant to **Federal Rule of Civil Procedure 41(a)**. Accordingly, defendants Cannonball Express, Inc. and Cannonball Express Transportation Co., LLC are hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Signed this 8th day of June, 2007.

/s/ David RHerndon
United States District Judge